IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SEVENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 235 of 2005

Between:

Bimagani Vijaya, w/o Anjaneyulu,
R/o H.No. 18-9-9, Kareemabad, Warangal, Warangal District.

.... PETITIONER

AND

1.. The Kakatiya Urban Development Authority, Warangal, Warangal

District.
2.. The Thimmapur Gram Panchayat, rep. by its Surpanch, Warangal

District.
3.. Manjunath Real Estates and Sai Enclaves rep. by its Managing

Partners Sri Chennamaneni Jayasri and Jakka Mahabub Reddy, Warangal,
Warangal District. **....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue direction or order more particularly in the nature of Writ of Mandamus by declaring the action of 1st and 2nd respondents in approving D.P.No. 8 of 2003 and D.P.No. 87 of 2003 by including the property which was not owned by the persons who applied for the layout without verification of documents and the action of wrongly including the petitioner's land to an extent of Ac. 1.08 guntas in Sy.No. 386 of Ursu Village of Thimmapur Gram Pahchayat of Warangal District in above said layouts without any right, entitlement and without any authority is illegal, arbitrary, unjust, without any authority and without jurisdiction and violation of Principles of Natural Justice and in violation of Legal propositions under the Andhra Pradesh

Urban Areas (Development) Act, 1975 and violation of Articles 21, 300A of constitution of India by
set-a-siding the D.P.No. 8 of 2003 and D.P.No. 87 of 2003 in respect of the petitioner's land to and extent of Ac. 1.08 guntas in Sy.No. 386 of Ursu village of Thimmapur Gram Panchayat of Warangal District (the location of the subject land described in rough sketch enclosed along with this writ petition) and to direct the 1st and 2nd respondents to delete the petitioner's land to and extent of Ac. 1.08 guntas in Sy.No. 386 of Ursu village of Thimmapur Gram panhcyayat of Warangal district the location of the subject land described in rough sketch enclosed along with this writ petition) and pass such and further order or any order.

Counsel for the Petitioner:MR.P.MEHAR SRINIVASA RAO

Counsel for the Respondent No. 1: MR. C.NARENDER

Counsel for the Respondent NO.2 :-- MR.P.RADHAKRISHNA

Standing Counsel for Gram Panchayat.

Counsel for the Respondent No.3 :-- None appeared

The Court at the time of admission made the following :

ORDER:

The present writ petition is filed questioning the action of the respondents 1 and 2 in approving the layout wrongly including the land of the petitioner to an extent of Ac.1.08 guntas in Survey No.386, Urse village, Thimmapur Gram Panchayat, Warangal.

The brief facts which rise to file the present writ petition are that petitioner claims to be owner and possessor of land admeasuring Ac.1.08 guntas, Urse village,

warangal district (for short subject land). That the subject land of the petitioner and adjoining lands comes under the control of Kakatiya Urban Development Authority and are governed by The A.P. Urban Areas (Development) Act, 1975. That the first respondent approved the layout of land in Survey No.385 and 386 of Urse village, Thimmapur Gram Panchayat without verifying the relevant records of title and possession wrongly included the land of the petitioner. It is also stated that the petitioner has made a representation to the 1st respondent to issue notice before sanctioning the layout to adjacent land and that no action was taken thereon. Later on, 1st respondent issued 21-8-2004 to the Assistant Director Survey and Land Records to demarcate the land covered under Survey No.385 and 386, however the petitioner alleges that no action was taken on the said letter. That the 3rd respondent on 10-11-2004 and 14-11-2004 tried to interfere with the possession of subject land and questioning the said action the petitioner filed a suit in O.S.No.2695 of 2004 on the file of the II Additional Junior Civil Judge, Warangal for perpetual injunction. The grievance of the petitioner is that pending suit, without verifying the relevant records and even without issuing a notice, the respondents 1 and 2 had approved the lay out in survey Nos. 385 and 386, Urse village, Warangal in D.P.No. 8 of 2003 and D.P.No.87 of 2003 including the land the petitioner. Hence, the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for Revenue. Both counsel agreed for disposal of the writ petition at the admission stage.

Admittedly, the dispute between the petitioner and third respondent is pending consideration before the competent Civil Court in O.S.No.2695 of 2004 on the file of the II Additional Junior Civil Judge, Warangal. If the petitioner is aggrieved by action of respondents, he can very well seek a comprehensive relief against the respondents before the Civil Court. Since, the matter is seized up with the Civil Court in O.S.No. 2695 of 2004, I do not see any reason to interfere with the matter. Accordingly, the writ petition is dismissed, granting liberty to the petitioner to approach the Competent Civil Court seeking relief against respondents. No costs.

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N.V.RAMANA,J

27-1-2005

TVK

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Kakatiya Urban Development Authority, Warangal, Warangal District.
2 The Surpanch, Thimmapur Gram Panchayat, Warangal District.
3.. 2CD copies

*Form-NIC-OGS/WP{**AVLR**}*